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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,817	03/18/2002	Simon Alan Spacey		5274

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EXAMINER

HENNING, MATTHEW T

ART UNIT PAPER NUMBER

2131

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/099,817	Applicant(s) SPACEY, SIMON ALAN	
	Examiner Matthew T. Henning	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) 1-20, 22 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

This action is in response to the communication filed on 3/18/2002.

DETAILED ACTION

Claims 1-23 have been examined.

Title

The title of the invention is acceptable.

Oath/Declaration

Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on an application filed in the United Kingdom on 10/15/2001. Applicant has not complied with the requirements of 37 CFR 1.63(c), since the oath, declaration or application data sheet improperly acknowledges the filing of the foreign application. This is because the date provided for the foreign application in the declaration is not correct. A new oath, declaration or application data sheet is required in the body of which the present application should be identified by application number and filing date.

Priority

Receipt is acknowledged of a certified copy of the UK 0124700.6 application referred to in the oath or declaration or in an application data sheet. If this copy is being filed to obtain the benefits of the foreign filing date under 35 U.S.C. 119(a)-(d), applicant should also file a claim for such priority as required by 35 U.S.C. 119(b). If the application being examined is an original application filed under 35 U.S.C. 111(a) (other than a design application) on or after November 29, 2000, the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. See 37 CFR 1.55(a)(1)(i). If

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1 the application being examined has entered the national stage from an international application
2 filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the claim for priority
3 must be made during the pendency of the application and within the time limit set forth in the
4 PCT and Regulations of the PCT. See 37 CFR 1.55(a)(1)(ii). Any claim for priority under 35
5 U.S.C. 119(a)-(d) or (f) or 365(a) or (b) not presented within the time period set forth in 37 CFR
6 1.55(a)(1) is considered to have been waived. If a claim for foreign priority is presented after the
7 time period set forth in 37 CFR 1.55(a)(1), the claim may be accepted if the claim properly
8 identifies the prior foreign application and is accompanied by a grantable petition to accept an
9 unintentionally delayed claim for priority. See 37 CFR 1.55(c).

10 *Drawings*

11 The drawings filed on 3/18/2002 are acceptable for examination proceedings.

12 *Specification*

13 Applicant is reminded of the proper language and format for an abstract of the disclosure.

14
15 *The abstract should be in narrative form and generally limited to a single paragraph on*
16 *a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed*
17 *150 words in length since the space provided for the abstract on the computer tape used by the*
18 *printer is limited. The form and legal phraseology often used in patent claims, such as "means"*
19 *and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist*
20 *readers in deciding whether there is a need for consulting the full patent text for details.*

21
22 *The language should be clear and concise and should not repeat information given in the*
23 *title. It should avoid using phrases which can be implied, such as, "The disclosure concerns,"*
24 *"The disclosure defined by this invention," "The disclosure describes," etc.*

25
26 The abstract of the disclosure is objected to because:

27 Line 1 recites "This invention presents" which can be implied and must therefore be
28 removed.

29 The abstract fails to meet the length requirement of 50 words.

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1 Correction is required. See MPEP § 608.01(b).

2 *Claim Objections*

3 Claims 1-20, and 22-23 are objected to under 37 CFR 1.75(c) as being in improper form
4 because a multiple dependent claim must refer to the claims which it depends from in the
5 alternative only and must not depend from another multiple dependant claim. See MPEP
6 § 608.01(n). Accordingly, the claims have not been further treated on the merits.

7 Claim 1 is objected to because of the following informalities: Claim 1 should begin with
8 a capitalized letter. Appropriate correction is required.

9 Claims 1 and 3 contain multiple periods. Each claim should only contain a single period
10 terminating the claim.

11 Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims
12 must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets
13 forth a plurality of elements or steps, each element or step of the claim should be separated by a
14 line indentation. There may be plural indentations to further segregate subcombinations or
15 related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

16
17 *Claim Rejections - 35 USC § 112*

18 The following is a quotation of the second paragraph of 35 U.S.C. 112:

19 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
20 subject matter which the applicant regards as his invention.

21
22 Claim 1-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for
23 failing to particularly point out and distinctly claim the subject matter which applicant regards as
24 the invention.

25 Regarding claims 1-20 and 22-23, the claim(s) are narrative in form and replete with
26 indefinite and functional or operational language. The structure which goes to make up the
27 device must be clearly and positively specified. The structure must be organized and correlated

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1 in such a manner as to present a complete operative device. The claim(s) must be in one
2 sentence form only. Note the format of the claims in the patent(s) cited.

3 Claim 21 fails to point out what is included or excluded by the claim language. This
4 claim is an omnibus type claim. This type of claim does not clearly point out what is being
5 claimed but instead points to the specification and the figures. It would not be possible for the
6 ordinary person skilled in the art to determine precisely what is being claimed by this type of
7 claim and therefore the claim is rejected for failing to particularly point out and distinctly claim
8 the subject matter which the applicant regards as the invention. As such, Claim 21 has not been
9 considered further on the merits.

10 *Claim Rejections - 35 USC § 102*

11 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the
12 basis for the rejections under this section made in this Office action:

13 *A person shall be entitled to a patent unless –*

14 *(e) the invention was described in (1) an application for patent, published under section*
15 *122(b), by another filed in the United States before the invention by the applicant for patent or*
16 *(2) a patent granted on an application for patent by another filed in the United States before the*
17 *invention by the applicant for patent, except that an international application filed under the*
18 *treaty defined in section 351(a) shall have the effects for purposes of this subsection of an*
19 *application filed in the United States only if the international application designated the United*
20 *States and was published under Article 21(2) of such treaty in the English language.*

21
22 Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al. (US
23 Patent Number 6,226,618) hereinafter referred to as Downs.

24 Regarding claim 1, Downs disclosed a method for the delivery and use of electronic
25 media, characterised by: a) Parts of the media being distributed for a client in a disabled form
26 (See Downs Col. 24 Lines 50-58). b) A media enabling mechanism being provided for the client

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1 through a communications network (See Downs Col. 23 Lines 57-65). c) A Client Instantiation
2 Component (CIC) instantiating or otherwise enabling the use of the media parts (See Downs Col.
3 24 Lines 50-58).

4 Regarding claim 2, Downs disclosed that selected components on the client machine are
5 optionally secured before the media enabling mechanism is provided to the client (See Downs
6 Col. 23 Lines 21-28).

7 Regarding claim 3, Downs disclosed that the component securing is performed by one or more of
8 the following securing mechanisms: a) Calculating a hash function for selected components. Said
9 hash function results ideally being returned to a networked machine for validation. b) Delivering
10 and using fresh secure components. c) The use of private and public key certificates to sign the
11 components. d) Using hardware or ROM implementations of the secured components (See
12 Downs Col. 23 Lines 21-28).

13 *Conclusion*

14 Claims 1-23 have been rejected.

15 Any inquiry concerning this communication or earlier communications from the
16 examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790.
17 The examiner can normally be reached on M-F 8-4.

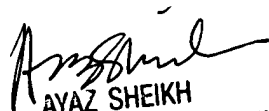
18 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
19 supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the
20 organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Matthew Henning
Assistant Examiner
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12/1/2005



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